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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,955	06/09/2004	Wen-Tso Tseng	12257-US-PA	3954

31561 7590 06/13/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

PRITCHETT, JOSHUA L

ART UNIT PAPER NUMBER

2872

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,955

Applicant(s)

TSENG ET AL.

Examiner

Joshua L. Pritchett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,11-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,11-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Amendment filed May 11, 2006. Claims 1 and 15-17 have been amended and claims 8, 10, 14 and 18-27 have been cancelled as requested by applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Khoshnevis (US 6,487,012).

Regarding claim 1, Khoshnevis discloses a telescope comprising a first monocular (12a) having a first object lens (16a) and a first eyepiece (18a); a second monocular (12b) having a second object lens (16b) and a second eyepiece (18b); an image-recording device (5) disposed between the first monocular and the second monocular (Fig. 2B); a first optical-switching component (34a) disposed between the first object lens and the first eyepiece for deflecting an incident light beam from the first object to the first eyepiece or the image-recording device (Fig.

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2B); a second optical-switching component (34b) disposed between the second object lens and the second eyepiece for deflecting an incident light beam from the second object lens to the second eyepiece or the image-recording device (Fig. 2B); and wherein the image-recording device comprises an image-capture device (44); a lens assembly (38a-b and 42), wherein the lens assembly and the image-capturing device are disposed along the optical path behind the first optical-switching component and the second optical-switching component (Fig. 2B), such that the lens assembly is disposed between the first optical-switching component and the image-capturing device and between the second optical-switching component and the image-capturing device (Fig. 2B) and a reflector (40) disposed along the optical path between the first optical-switching component and the image-capturing device and between the second optical-switching component and the image capturing device (Fig. 2B).

Regarding claims 2-5, Khoshnevis discloses the first object lens comprises a lens group and the first eyepiece lens comprises a lens group (Fig. 2B). Khoshnevis further discloses the second monocular having the same set up as the first monocular (Fig. 2B).

Regarding claims 6, 7 and 21, Khoshnevis discloses the first monocular further comprises a first prism disposed between the first object lens and the first eyepiece (col. 5 line 34; Fig. 2B). Khoshnevis further discloses the second monocular having the same set up as the first monocular (Fig. 2B).

Regarding claim 9, Khoshnevis discloses the image-capturing device comprises a charge-coupled device (col. 5 lines 63-64).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoshnevis (US 6,487,012) in view of Yano (US 2003/0197931).

Khoshnevis teaches the invention as claimed but lacks reference to the switching element being a rotatable reflector. Yano teaches the first optical switching component comprises a rotatable reflector (para. 0037). Yano further discloses the second monocular having the same set up as the first monocular (para. 0032). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the switching element of Khoshnevis be a rotating reflector as taught by Yano for the purpose of blocking light to the eyepieces when the image observed is to be recorded to maximize the amount of light intensity on the image-capturing device to provide a higher quality image.

Claims 13 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Khoshnevis (US 6,487,012).

Khoshnevis teaches the invention as claimed but lacks reference to the use of a dichroic mirror or polarizing beam splitter. It is extremely well known in the art to use dichroic mirrors or polarizing beam splitters to split a light beam into two directions. Official Notice is taken. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to have the beam splitting element of Khoshnevis be either a dichroic mirror or a polarizing beam splitter for the purpose of separating the light based on polarization, which is capable of eliminating some glare seen by the observer through the binocular system.

Response to Arguments

Applicant's arguments, see Amendment, filed May 11, 2006, with respect to the objection to the drawings have been fully considered and are persuasive. The objection of the drawings has been withdrawn. Applicant amended Fig. 1 to include a prior art label as requested by the examiner.

Applicant's arguments, see Amendment, filed May 11, 2006, with respect to the rejection(s) of claim(s) 1 under Yano have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration of the newly amended claim limitations, a new ground(s) of rejection is made in view of Khoshnevis. Applicant argues that the Yano reference fails to teach all the claimed limitations of the newly amended claim 1. Examiner agrees and has replaced the Yano reference with the Khoshnevis reference. The amendments to claim 1 create a combination not previously searched and therefore the rejection is properly made final.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abe (US 5,581,399) teaches a photographing binocular system with switching elements in both the left and right sides of the binocular system (Fig. 1).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLP 



DREW A. DUNN
SUPERVISORY PATENT EXAMINER